

Debtor **Carlos M Acosta**

United States Bankruptcy Court for the

**MIDDLE DISTRICT OF TENNESSEE**

[Bankruptcy district]

☐ Check if this is an amended plan

Case number: \_\_\_\_\_

Official Form 113

Chapter 13 Plan

**Part 1:** Notices

**To Debtors:** This form sets out options that may be appropriate in some cases, but the presence of an option on the form does not indicate that the option is appropriate in your circumstances or that it is permissible in your judicial district. Plans that do not comply with local rules and judicial rulings may not be confirmable.

In the following notice to creditors and statement regarding your income status, you must check each box that applies.

**To Creditors:** Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated.

You should read this plan carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you oppose the plan's treatment of your claim or any provision of this plan, you or your attorney must file an objection to confirmation at least 7 days before the date set for the hearing on confirmation, unless otherwise ordered by the Bankruptcy Court. The Bankruptcy Court may confirm this plan without further notice if no objection to confirmation is filed. See Bankruptcy Rule 3015. In addition, you may need to file a timely proof of claim in order to be paid under any plan.

The following matters may be of particular importance to you. Boxes must be checked by debtor(s) if applicable.

- ☐ The plan seeks to limit the amount of a secured claim, as set out in Part 3, Section 3.2, which may result in a partial payment or no payment at all to the secured creditor.
- ☐ The plan requests the avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest as set out in Part 3, Section 3.4.
- ☒ The plan sets out nonstandard provisions in Part 9.

**Income status of debtor(s), as stated on Official Form 122-C1**

*Check one.*

- ☐ The current monthly income of the debtor(s) is less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).
- ☒ The current monthly income of the debtor(s) is not less than the applicable median income specified in 11 U.S.C. § 1325(b)(4)(A).

**Part 2: Plan Payments and Length of Plan**

**2.1 Debtor(s) will make regular payments to the trustee as follows:**

**\$1,493.00 Monthly for 60 months**

If fewer than 60 months of payments are specified, additional monthly payments will be made to the extent necessary to make the payments to creditors specified in Parts 3 through 6 of this plan.

**2.2 Regular payments to the trustee will be made from future earnings in the following manner:**

*Check all that apply.*

- ☒ Debtor(s) will make payments pursuant to a payroll deduction order.
- ☐ Debtor(s) will make payments directly to the trustee.
- ☐ Other (specify method of payment): \_\_\_\_\_.

**2.3 Income tax refunds.**

*Check one.*

- ☒ Debtor(s) will retain any income tax refunds received during the plan term.
- ☐ Debtor(s) will supply the trustee with a copy of each income tax return filed during the plan term within 14 days of filing the return and will turn over to the trustee all income tax refunds received during the plan term.

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☐ Debtor(s) will treat income refunds as follows:  
\_\_\_\_\_  
\_\_\_\_\_**2.4 Additional payments.***Check one.*☒ **None.** If "None" is checked, the rest of § 2.4 need not be completed or reproduced.**2.5 The total amount of estimated payments to the trustee provided for in §§ 2.1 and 2.4 is \$89,580.00.****Part 3: Treatment of Secured Claims****3.1 Maintenance of payments and cure of default, if any.***Check one.*☒ **None.** If "None" is checked, the rest of § 3.1 need not be completed or reproduced.**3.2 Request for valuation of security and claim modification. *Check one.***☒ **None.** If "None" is checked, the rest of § 3.2 need not be completed or reproduced.**3.3 Secured claims excluded from 11 U.S.C. § 506.***Check one.*☒ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor, as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim or modification of a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. The final column includes only payments disbursed by the trustee rather than by the debtor.

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly play payment	Estimated total payments by trustee
Exeter Finance Corp	2012 Nissan Murano 46000 miles VIN: JN8A21MU9CW105879 Good Condition	\$21,450.00	3.50%	\$390.21	\$23,412.60
				Disbursed by: <input checked="" type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	
Navy Fcu	2015 Chevrolet Silverado 49000 miles Good Condition	\$33,671.00	3.50%	\$612.53	\$36,751.80
				Disbursed by: <input checked="" type="checkbox"/> Trustee <input type="checkbox"/> Debtor(s)	

*Insert additional claims as needed.***3.4 Lien avoidance***Check one.*☒ **None.** If "None" is checked, the rest of § 3.4 need not be completed or reproduced.**3.5 Surrender of collateral.***Check one*

APPENDIX D

Chapter 13 Plan

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☒ **None.** If "None" is checked, the rest of § 3.5 need not be completed or reproduced.

**Part 4: Treatment of Fees and Priority Claims**

**4.1 General**

Trustee's fees and all allowed priority claims other than those treated in § 4.6 will be paid in full without interest.

**4.2 Trustee's fees**

Trustee's fees are estimated to be **4.00%** of plan payments; and during the plan term, they are estimated to total **\$3,583.20**.

**4.3 Attorney's fees**

The balance of the fees owed to the attorney for the debtor(s) is estimated to be **\$2,900.00**.

**4.4 Priority claims other than attorney's fees and those treated in § 4.5.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 4.4 need not be completed or reproduced.

**4.5 Domestic support obligations assigned or owed to a governmental unit and paid less than full amount.**

*Check one.*

☒ **None.** If "None" is checked, the rest of § 4.5 need not be completed or reproduced.

**Part 5: Treatment of Nonpriority Unsecured Claims**

**5.1 Nonpriority unsecured claims not separately classified.**

Allowed nonpriority unsecured claims that are not separately classified will be paid, pro rata. If more than one option is checked, the option providing the largest payment will be effective. Check all that apply.

- ☐ The sum of \$
- ☒ **100.00** % of the total amount of these claims.
- ☐ The funds remaining after disbursements have been made to all other creditors provided for in this plan.

If the estate of the debtor(s) were liquidated under chapter 7, nonpriority unsecured claims would be paid approximately \$ **0.00** . Regardless of the options checked above, payments on allowed nonpriority unsecured claims will be made in at least this amount.

**5.2 Interest on allowed nonpriority unsecured claims not separately classified. Check one.**

☒ **None.** If "None" is checked, the rest of § 5.2 need not be completed or reproduced.

**5.3 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one.**

☒ **None.** If "None" is checked, the rest of § 5.3 need not be completed or reproduced.

**5.4 Other separately classified nonpriority unsecured claims. Check one.**

☒ **None.** If "None" is checked, the rest of § 5.4 need not be completed or reproduced.

**Part 6: Executory Contracts and Unexpired Leases**

**6.1 The executory contracts and unexpired leases listed below are assumed and will be treated as specified. All other executory contracts and unexpired leases are rejected. Check one.**

☒ **None.** If "None" is checked, the rest of § 6.1 need not be completed or reproduced.

**Part 7: Order of Distribution of Trustee Payments**

**7.1 The trustee will make the monthly payments required in Parts 3 through 6 in the following order, with payments other than those listed to be made in the order determined by the trustee:**

**1. Filing Fee**

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2. Notice Fee
3. Continuing Payments on Secured Debts
4. Attorney Fees
5. General Unsecured Claims
6. Claims Allowed Pursuant to 1305

**Part 8: Vesting of Property of the Estate**

**8.1 Property of the estate will vest in the debtor(s) upon**

*Check the applicable box:*

- ☐ plan confirmation.  
☒ entry of discharge.  
☐ other: \_\_\_\_\_

**Part 9: Nonstandard Plan Provisions**

*Under Bankruptcy Rule 3015(c), nonstandard provisions are required to be set forth below.*

These plan provisions will be effective only if the applicable box in Part 1 of this plan is checked.  
**Creditors not advising the Trustee of change of address may be deemed to have abandoned claim.**

**Post-petition claims allowed pursuant to §1305 shall be paid in full but subordinated to the payment of unsecured claims.**

**Part 10: Signatures:**

X \_\_\_\_\_ Date August 18, 2016  
**Brian L. Hill**  
Signature of Attorney for Debtor(s)

X \_\_\_\_\_ Date August 18, 2016  
**Carlos M Acosta**

X \_\_\_\_\_ Date \_\_\_\_\_

Signature(s) of Debtor(s) (required if not represented by an attorney; otherwise optional)

**Exhibit: Total Amount of Estimated Trustee Payments**

The trustee will make the following estimated payments on allowed claims in the order set forth in Section 7.1:

a. <b>Maintenance and cure payments on secured claims</b> (Part 3, Section 3.1 total):	<u>\$0.00</u>
b. <b>Modified secured claims</b> (Part 3, Section 3.2 total):	<u>\$0.00</u>
c. <b>Secured claims excluded from 11 U.S.C. § 506</b> (Part 3, Section 3.3 total):	<u>\$60,164.40</u>
d. <b>Judicial liens or security interests partially avoided</b> (Part 3, Section 3.4 total):	<u>\$0.00</u>
e. <b>Fees and priority claims</b> (Part 4 total):	<u>\$6,483.20</u>
f. <b>Nonpriority unsecured claims</b> (Part 5, Section 5.1 total):	<u>\$22,596.00</u>
g. <b>Interest on allowed unsecured claims</b> (Part 5, Section 5.2 total)	<u>\$0.00</u>
h. <b>Maintenance and cure payments on unsecured claims</b> (Part 5, Section 5.3 total)	<u>\$0.00</u>
i. <b>Separately classified unsecured claims</b> (Part 5, Section 5.4 total)	<u>\$0.00</u>
j. <b>Trustee payments on executory contracts and unexpired leases</b> (Part 6, Section 6.1 total) +	<u>\$0.00</u>
<hr/>	
<b>Total of lines a through j.....</b>	<b>\$89,243.60</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th day of August, 2016, a copy of Chapter 13 Plan was served electronically on the US Trustee and Chapter 13 Trustee and was served via regular United States mail to the creditors listed below.

Exeter Finance Corp  
ATTN: Officer or Agent  
Po Box 166008  
Irving TX 75016

Navy Fcu  
ATTN: Officer or Agent  
Po Box 3000  
Merrifield VA 22119

Texas Attorney General  
ATTN: Officer or Agent  
PO Box 12548  
Austin TX 78711

Thrift Savings Plan  
ATTN: Officer or Agent  
PO Box 385021  
Birmingham AL 35238

Hunter Chase Apartments  
ATTN: Officer or Agent  
1897 Madison St.  
Clarksville TN 37043-0000

Debtor **Carlos M Acosta**

Case number \_\_\_\_\_

/s/Brian L. Hill

Brian L. Hill 025453

Law Office of Brian L. Hill

PO Box 353

Clarksville, TN 37041

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bhill@tnkylegal.com